

PUBLIC CHAPTER NO. 1011

HOUSE BILL NO. 3162

**By Representatives Sherry Jones, Sontany, Mike Turner, Maddox,
Montgomery, Harry Brooks, John DeBerry, Lois DeBerry, Pruitt,
Cooper, Richardson, Camper, Brown, Favors, Maggart, Lynn, Hill,
Vaughn, Gilmore, Hardaway**

Substituted for: Senate Bill No. 3221

By Senators Marrero, Harper, Burks, Raymond Finney, Herron

AN ACT to amend Tennessee Code Annotated, Title 10; Title 37 and Title 49, relative to confidentiality of records concerning child abuse and child sexual abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-403, is amended by adding the following new subsection thereto:

(i)

(1) Notwithstanding the provisions of § 37-5-107 or § 37-1-612 or any other law to the contrary, if a school teacher, school official or any other school personnel has knowledge or reasonable cause to suspect that a child who attends such school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to this section and that such abuse occurred on school grounds or while the child was under the supervision or care of the school, then the principal or other person designated by the school shall verbally notify the parent or legal guardian of such child that a report pursuant to this section has been made and shall provide other information relevant to the future well being of the child while under the supervision or care of the school. Such verbal notice shall be made in coordination with the department of children's services to the parent or legal guardian within twenty four (24) hours from the time the school, school teacher, school official or other school personnel reports such abuse to the department of children's services, judge or law enforcement; provided that in no event may the notice be later than twenty four (24) hours from the time such report was made. Such notice shall not be sent to any parent or legal guardian if there is reasonable cause to believe that such parent or legal guardian may be the perpetrator or in any way responsible for the child abuse or child sexual abuse.

(2) Once notice is sent pursuant to subdivision (i)(1) of this section, the principal or other designated person shall provide to such parent or legal guardian all school information and records relevant to the alleged abuse or sexual abuse, if requested by the parent or legal guardian, provided such information is edited to protect the confidentiality of the identity of the person who made the report, any other person whose life or safety may be endangered by the disclosure, and any information made confidential pursuant to federal law. The information and records described in this subdivision (i)(2) shall not include records of other agencies or departments.

(3) For purposes of this subsection (i), "school" means any public or privately operated child care agency, as defined in § 71-3-501(4), preschool, nursery school, kindergarten, elementary school or secondary school.

SECTION 2. Tennessee Code Annotated, Section 37-1-605, is amended by adding the following new subsection thereto:

(d)

(1) Notwithstanding the provisions of § 37-5-107 or § 37-1-612 or any other law to the contrary, if a school teacher, school official or any other school personnel has knowledge or reasonable cause to suspect that a child who attends such school may be a victim of child abuse or child sexual abuse sufficient to require reporting pursuant to this section and that such abuse occurred on school grounds or while the child was under the supervision or care of the school, then the principal or other person designated by the school shall verbally notify the parent or legal guardian of such child that a report pursuant to this section has been made and shall provide other information relevant to the future well being of the child while under the supervision or care of the school. Such verbal notice shall be made in coordination with the department of children's services to the parent or legal guardian within twenty four (24) hours from the time the school, school teacher, school official or other school personnel reports such abuse to the department of children's services; provided that in no event may the notice be later than twenty four (24) hours from the time such report was made. Such notice shall not be sent to any parent or legal guardian if there is reasonable cause to believe that such parent or legal guardian may be the perpetrator or in any way responsible for the child abuse or child sexual abuse.

(2) Once notice is sent pursuant to subdivision (d)(1) of this section, the principal or other designated person shall provide to such parent or legal guardian all school information and records relevant to the alleged abuse or sexual abuse, if requested by the parent or legal guardian, provided such information is edited to

protect the confidentiality of the identity of the person who made the report, any other person whose life or safety may be endangered by the disclosure, and any information made confidential pursuant to federal law. The information and records described in this subdivision (d)(2) shall not include records of other agencies or departments.

(3) For purposes of this subsection (d), "school" means any public or privately operated child care agency, as defined in § 71-3-501(4), preschool, nursery school, kindergarten, elementary school or secondary school.

SECTION 3. Tennessee Code Annotated, Section 10-7-504(a)(4), is amended by adding the following language as an appropriately designated subdivision:

() Notwithstanding the provisions of subdivision (a)(4)(A) or § 37-5-107 or § 37-1-612, the institution shall release records to the parent or guardian of a victim or alleged victim of child abuse or child sexual abuse pursuant to § 37-1-403(i)(2) or § 37-1-605(d)(2). Any person or entity who is provided access to records under this provision shall be required to maintain such records in accordance with state and federal laws and regulations regarding confidentiality.

SECTION 4. The state board of education, acting in consultation with the department of children's services, is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 5. For purposes of promulgating necessary rules and regulations to effectuate the purpose of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2008.

PASSED: May 7, 2008


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 22nd day of May 2008



PHIL BREDESEN, GOVERNOR